

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

JASON RANDOLPH,

Plaintiff,

vs.

No. 2:06-cv-00058

No. 2:06-cv-00050

RONNIE DALE SCHUBERT;
GARY GREEN;
CHIEF OF POLICE DAVID E. BEATY; and
THE CITY OF CROSSVILLE, TENNESSEE,

Defendants.

AFFIDAVIT OF ANDREW C. CLARKE
IN SUPPORT OF MOTION FOR ATTORNEY'S FEES, COSTS AND EXPENSES

STATE OF TENNESSEE:
COUNTY OF SHELBY:

Personally appeared before me, the undersigned authority, Andrew C. Clarke, who after being duly sworn, does make oath and state as follows:

1. My name is Andrew C. Clarke. I am an adult resident of Memphis, Shelby County, Tennessee and have personal knowledge of the facts set forth herein. I am one of the Plaintiff's attorneys in the case *sub judice*. This Affidavit is being submitted in support of Plaintiff's Motion for Attorney's Fees, Costs and Expenses.

I. QUALIFICATIONS AND EXPERIENCE

2. My educational background is as follows:
- a. Davidson College, Davidson, North Carolina. August 1984 - May 1988. Received Bachelor of Arts in History in May 1988.
 - b. Florida International University, Miami, Florida. June 1988 - August 1989. Received Master of Science in Criminal Justice in August 1989. Received Outstanding Scholar award - 1988- 1989.
 - c. Cecil C. Humphrey's School of Law, Memphis State University, Memphis, Tennessee. August 1989 - May 1992. Received J.D. in May, 1992.

3. I worked with the Law Offices of Bailey & Clarke (a/k/a Bailey, Clarke & Benfield) as an attorney from May 1992 through October of 2006. At Bailey & Clarke, I handled all aspects of plaintiffs' litigation involving catastrophically injured clients, but concentrated on civil rights and police misconduct litigation. Since October of 2006, I have been employed by the firm of Borod & Kramer, P.C. and continue to focus my practice on civil rights and police misconduct litigation.

4. I am admitted to practice before the following state courts:

- a. Licensed member of the Tennessee Bar - November 1992;
- b. Licensed member of the Mississippi Bar - April 1993; and
- c. Licensed member of Arkansas Bar - April 1995.

5. I have been admitted to practice before the following federal appellate courts:

- a. Admitted to practice before the U.S. Supreme Court - 3/17/97;
- b. U.S. Court of Appeals for the Fifth Circuit - 5/4/93;
- c. U.S. Court of Appeals for the Sixth Circuit - 4/1/96;
- d. U.S. Court of Appeals for the Eighth Circuit - 3/26/99;
- e. U.S. Court of Appeals for the Tenth Circuit - 10/10/96; and
- f. U.S. Court of Appeals for the Eleventh Circuit - 3/17/03.

6. I have been admitted to practice before the following federal District Courts:

- a. Western District of Tennessee - 9/3/93;
- b. Middle District of Tennessee - 8/14/06;
- c. Northern District of Mississippi - 4/29/93;
- d. Southern District of Mississippi - 5/12/93;
- e. Eastern District of Arkansas - 9/26/95; and
- f. Western District of Arkansas - 9/26/95.

7. I have appeared before the following federal District Courts *Pro Hac Vice*:

- a. Western District of Oklahoma;
- b. Northern District of Georgia, Atlanta Division;
- c. Northern District of Georgia, Newman Division; and
- d. Southern District of Alabama.

8. I have the following professional affiliations and memberships:

- a. ATLA Chairman - ATLA Civil Rights Section - 2002- 2003;
Chair Elect - ATLA Civil Rights Section - 2001-2002;
Executive Committee Member - ATLA Civil Rights Section - 2000-
12/2004;
Newsletter Editor - ATLA Civil Rights Section - 7/2003-12/2004;
Civil Rights Section - 1995 - present;
Member - 1993 - present;
- b. ACLU Member - 1994 - present;

- c. NPAP (National Police Accountability Project)
Board of Directors - 2001-present;
Member - 1998 - present;
- d. TTLA Tennessee Trial Lawyers Association - 1993 - present;
- e. STOPP (Solutions to the Tragedies of Police Pursuits) - 1994-1998;
- f. FBA Federal Bar Association - 1999 - 2001.

9. I have authored or co-authored the following articles:

- a. "Law Enforcement: Constitutional and Practical Implications of Police Restraint Procedures," Criminal Law Bulletin, January-February 1996. Co-author.
- b. "The Constitutional Implications of High-Speed Police Pursuits," University of Memphis Law Review, Volume 27, No. 3, Spring 1997. Co-author.
- c. "Police Pursuits: What Happens when Public Safety Takes a Back Seat to Chasing Criminals?" The Tennessee Trial Lawyer, Volume 17, No. 3, September 1997.
- d. "County of Sacramento v. Lewis: Its Impact and Unresolved Issues," Police Forum, (1998). Co-author.
- e. "County of Sacramento v. Lewis: A look at its Impact and Unanswered Questions," Police Executive Research Forum Newsletter, Vol. 12, No. 10/11 (Oct./Nov. 1998). Co-author.
- f. "Substantive Due Process Police Pursuit Actions after County of Sacramento v. Lewis," ATLA Civil Rights Newsletter, Volume VIII, Number 1, Winter 2001.
- g. "Fighting City Hall," Trial Magazine, February 2001.
- h. "Hog-Tie and Positional Asphyxia Cases," ATLA Civil Rights Newsletter, Volume IX, Number 2, Spring/Summer 2001.
- i. "Fighting City Hall," Civil Rights Litigation and Attorney Fees Handbook, Volume Seventeen (2001) (by National Police Accountability Project and published by West Group).

10. I have written Amicus Briefs in the U.S. Supreme Court, the Eighth Circuit Court of Appeals and the Tennessee Supreme Court, to wit:

- a. Wrote Amicus Brief for STOPP and a draft of the Amicus Brief for ATLA in County of Sacramento v. Lewis, 118 S.Ct. 1708 (May 1998), a police pursuit case brought pursuant to 42 U.S.C. Section 1983.
- b. Wrote Amicus Brief for STOPP in Helseth v. Burch, 258 F.3d 867 (8th Cir. 2001), a police pursuit case brought pursuant to 42 U.S.C. Section 1983.
- c. Wrote Amicus Brief for STOPP in Feist v. Simonton, 222 F.3d 455 (8th Cir. 2000), a police pursuit case brought pursuant to 42 U.S.C. Section 1983.
- d. Wrote Amicus Brief for TTLA in Haynes v. Hamilton County, 883 S.W.2d 606 (Tenn. 1995), a police pursuit case brought pursuant to Tennessee law. The Supreme Court in Haynes overruled numerous prior decisions which precluded innocent third parties from recovering against police departments for negligently "conducted" high-speed pursuits.
- e. Wrote Amicus Brief for TTLA in Limbaugh v. Coffee County, 59 S.W.3d 73 (Tenn. 2001), which dealt with the immunity of municipalities under state law for intentional torts committed by employees acting during the course and scope of employment.

- f. Wrote Amicus Brief for TTLA in Valencia v. Freeland and Lemm Construction Company, 108 S.W.3d 239 (Tenn. 2003) dealing with tort cases against employers and the exclusive remedy provision of the Tennessee Worker's Compensation Act.
 - g. Wrote Amicus Brief for TTLA in the consolidated cases of Lozano v. Lincoln Memorial University and Lynch v. Jellico, --- S.W.3d ----, 2006 WL 2494170 (Tenn. August 30, 2006), dealing with the constitutionality of the caps contained in the 2004 amendments to the Tennessee Worker's Compensation Act.
11. I have either written the materials for or been a speaker at the following seminars:
- a. Wrote materials for seminar on police pursuits presented by R. Sadler Bailey on May 14, 1994, entitled "Governmental/Municipal Liability Arising from Police Chases" for the 1994 Auto Torts Seminar hosted by the Tennessee Trial Lawyers Association.
 - b. Presentation on police pursuits for the Southwestern Law Enforcement Institute Risk Management Workshop: Police Pursuit Policies, Dallas, Texas, May 28-29, 1998.
 - c. Wrote materials for seminar on police pursuits presented by R. Sadler Bailey on October 9, 1998 entitled "Governmental/Municipal Liability Arising from Police Chases" for a continuing legal education seminar hosted by Wayne Emmons.
 - d. Prepared "Civil Rights Symposium Forms Book" for the Federal Bar Association (Memphis/Mid-South Chapter) Civil Rights CLE Seminar (January 15, 1999).
 - e. Presentation on police pursuits for the Southwestern Law Enforcement Institute Risk Management Workshop: Police Pursuit Policies, Dallas, Texas, March 15-16, 1999.
 - f. Presentation on Tennessee Worker's Compensation Issues for Professional Education Systems, Inc., Memphis, Tennessee, December 6, 2000.
 - g. Presentation - "Police Pursuit Actions After County of Sacramento v. Lewis." Federal Law Enforcement Training Center, March 16-17, 2001, Brunswick, Georgia.
 - h. Presentation on Tennessee Worker's Compensation Issues for Professional Education Systems, Inc., Memphis, Tennessee, November 29, 2001.
 - j. Presentation - "Pursuit Driver Training Symposium," Federal Law Enforcement Training Center and National Center for State and Local Law Enforcement Training," February 26-27, 2002, St. Simons, Georgia.
 - k. Moderator - ATLA Civil Rights Section Annual Convention, July 22, 2002, Atlanta, Georgia.
 - l. Presentation - "Pursuit Driver Training Symposium," Federal Law Enforcement Training Center and National Center for State and Local Law Enforcement Training," September 17-18, 2002, Dallas, Texas.
 - l. Presentation - "High-Speed Pursuits," Smokey Mountain Criminal Justice Conference, November 8, 2002, Gatlinburg, Tennessee.
 - m. Presentation on Tennessee Worker's Compensation Issue for Professional Education Systems, Inc., December 4, 2002. Memphis, Tennessee.
 - n. Presentation on Unreasonable Force/Less than Lethal Force for National Lawyers Guild (NPAP). October 22, 2004. Birmingham, Alabama.
 - o. Presentation on Police Misconduct Litigation for Georgetown CLE at the Georgetown Law Center. April 19, 2006. Washington, D.C.
 - p. Scheduled speaker on Police Misconduct Litigation for Georgetown CLE at Georgetown Law Center. Scheduled for April 18, 2007. Washington, D.C.
12. I presently have a case pending before the U.S. Supreme Court:
- a. Harris v. Coweta County, 433 F.3d 807 (11th Cir 2005), *cert. granted*, --- S.Ct. ---, 2006 WL 1733824 (10/27/06).

13. I have filed a Petition for *Writ of Certiorari* in the U.S. Supreme Court in the following cases:

- a. Evers v. Gulf Shores, 85 Fed.Appx. 193 (11th Cir. 10/3/03), *cert. denied sub nom*, Godwin v. Hill, 124 S.Ct 2083 (4/26/04) (pursuit case); and
- b. Trigalet v. City of Tulsa, 239 F.3d 1150 (10th Cir 2001), *cert. denied*, 122 S.Ct. 40 (10/1/02) (municipal liability case).

14. In addition to the cases previously listed, I have been involved in numerous other published and unpublished cases including:

- a. Culbreath v. First Tennessee Nat. Ass'n, 44 S.W.3d 518 (Tenn. 2001);
- b. Hill v. Germantown, 31 S.W.3d 234 (Tenn. 2000);
- c. McCracken v. Millington, 1999 WL 142391 (Tenn. App. 3/17/99);
- d. Epps v. Lauderdale County, 139 F.Supp.2d 859 (W.D. Tenn 2000); *aff'd* 45 Fed.Appx. 332 (8/13/02).

15. I have successfully handled numerous police misconduct and/or civil rights cases by either settlement or judgment, to wit:

- a. Brunson v. Shelby County, TN - settled with Shelby County for \$3,500,000.00 plus unlimited future medical expenses on a comatose police misconduct victim – excessive force/restraint asphyxia case;
- b. Isom/Tucker v. City of Grand Junction, TN - settled for \$400,000.00 – police pursuit case;
- c. Duke v. Gwinnett County, GA, et al. - settled for \$400,000.00 – excessive force/restraint asphyxia case.
- d. Hill v. Germantown, TN - judgment for \$313,000.00 – police pursuit case;
- e. Barton v. Independence County, AR, et al. - settled \$300,000.00 – excessive force case.
- f. Rich v. City of Savannah, TN, et al. - settled \$300,000.00 – excessive force/restraint asphyxia case.
- g. Palazola v. Memphis, TN, et al. - settled \$300,000.00 – excessive force case.
- h. Boyd v. City of Memphis, TN - settled for \$200,000.00 – excessive force/restraint asphyxia case;
- i. McCracken v. Millington, TN - judgment for \$196,000.00 – pursuit case;
- j. Epps, et al. v. Lauderdale County, TN, et al. – settlement/judgment - \$196,000.00 – police pursuit case;
- k. Finley v. Dyersburg, TN, et al. - settled \$175,000.00 – state created danger case;
- l. Brooks v. Millington, TN, et al. - settled for \$50,000.00 – pursuit case;
- m. Anderson v. City of Memphis, TN, et al. - settled \$20,000.00 – false arrest case;
- n. Taylor v. City of Brownsville - settled \$15,000.00 – false arrest/seizure case;
- o. Gater/Hendrix/Christian v. City of Brownsville - settled \$29,000.00 – false arrest/seizure case;
- p. Mims v. Holly Springs, MS - settled confidential amount – pursuit case;
- q. Godwin, et al. v. Gulf Shores, AL, et al - settled confidential amount – pursuit case;

16. I have been asked to serve as an expert witness and been qualified to serve as an expert witness in a fee dispute between attorneys with respect to the reasonableness and necessity of attorney's fees in a civil rights action. Carpenter v. Scott County, Tennessee, et al.

17. I appeared on the following television shows regarding the legal issues pertaining to high-speed pursuits:

- a. Court TV "Anatomy of Crime." Originally aired on January 3, 2000, on new Court TV series on the topic of police pursuits.
- b. MSNBC Investigates - Pursuits. Show originally aired on December 20, 2000.
- c. Federal Law Enforcement Pursuit Symposium, FLETC, Brunswick, Georgia, aired on Federal Law Enforcement Channel, LETN and simulcast over the Internet (March 2001).

18. Based on the foregoing, I have extensive experience in police misconduct and civil rights litigation. I have handled police misconduct and civil rights cases in Tennessee, Arkansas, Mississippi, Oklahoma, Georgia and Alabama. Further, I have consulted with numerous civil rights attorneys and police departments throughout the country regarding all aspects of civil rights litigation and liability. In addition to my experience as a police misconduct/civil rights litigator, I have successfully handled, by settlement or litigation, numerous other plaintiff's cases for catastrophically injured clients in medical malpractice actions, products liability actions and automobile accidents. However, it is my opinion that properly handling civil rights cases is more demanding and complex than any type of litigation that I have handled, especially when a claim for municipal liability is asserted.

II. BASIC FACTS OF THE CASE

19. The instant case was originally filed by Mr. Stephen Burroughs. After the case was filed, I reviewed the case at Mr. Burroughs' request and agreed to represent the Plaintiff with Mr. Burroughs. The basic facts of the case are as follows: Prior to the incident which is the subject matter of this litigation, the Plaintiff had been arrested on a number of occasions for a variety of

crimes, including felonies. On the date of the incident which is the subject matter of this litigation, Sgt. Green of the Crossville Police Department alleges that he observed the Plaintiff popping a wheelie on a motorcycle and initiated a pursuit of the Plaintiff which lasted several minutes. As the pursuit progressed, Officer Schubert joined the pursuit as the lead pursuing officer. The Plaintiff alleges that during the course of the pursuit, Officer Schubert intentionally rammed the Plaintiff's motorcycle with his police vehicle causing the Plaintiff to wreck and sustain serious injuries. While the Defendants do not deny that there was contact between Officer Schubert's vehicle and the Plaintiff's motorcycle, they contend that the contact was not intentional, but accidental. Further, the Defendants contend that the Plaintiff was operating his vehicle under the influence of drugs, and toxicology tests performed after the incident appear to indicate the presence of drugs in the Plaintiff's system. After the incident which is the subject matter of this litigation, the Plaintiff was again arrested for a variety of crimes, including felonies. At the present time, the Plaintiff is serving a six-year sentence at the West Tennessee State Penitentiary in Henning, Tennessee.

REQUEST FOR ATTORNEY'S FEES

20. Plaintiff's attorneys have been retained to represent the Plaintiff on a straight contingency fee basis. As the Plaintiff is incarcerated, he has no ability to pay fees or expenses in this case and has made no financial contribution to the prosecution of his case.

21. Prior to filing this action, Mr. Burroughs made efforts to resolve this matter without litigation. The Defendants failed to make any offer in response to Mr. Burroughs' settlement demand.

22. When I was first contacted by Mr. Burroughs about this case, I performed a detailed review of the file documents and materials. After reviewing the file materials, I performed legal research and contacted various experts to discuss the case. After I agreed to represent the Plaintiff with Mr. Burroughs, I drafted discovery requests which were served on the Defendants by Mr.

Burroughs. After appearing in this action, I filed an Amended Complaint. After receiving the discovery responses from the Defendants, I performed a thorough and detailed analysis of the documents which included, but were not limited to, the policies and procedures of the Crossville Police Department, the training materials from the City of Crossville and the personnel files of the officers involved. As a result of the numerous deficiencies observed with the Defendants' discovery responses, I prepared a detailed letter pursuant to F.R.C.P. 37. After receipt of my F.R.C.P. 37 letter, the Defendants made an Offer of Judgment of \$90,001.00, plus reasonable fees and costs accrued to date. This Offer of Judgment was accepted on November 8, 2006, and an Order entering Judgment against the Defendants was entered on November 9, 2006.

23. In performing my duties as Plaintiff's counsel, I kept contemporaneous time records of the time expended by me in this case. In documenting my time on this matter, I exercised reasonable billing judgment. For example, while my paralegals and law clerks performed a substantial amount of work assisting me in this matter, I am not seeking the recovery of the time they devoted to this matter. In addition, I have discussed issues regarding this case with other attorneys at my firms on a regular basis and have not sought recovery of this time. A copy of my time records for work performed prior to receipt of the Offer of Judgment is attached hereto as Exhibit A. Based on my time records, I have spent a total of 97.35 hours in this case prior to the receipt of the Offer of Judgment. This does not include any time involved in discussing the acceptance of the Offer of Judgment with co-counsel and the client or with the preparation of Plaintiff's Motion for Attorney's Fees, Costs and Expenses, Memorandum in Support of Plaintiff's Motion for Attorney's Fees, Costs and Expenses and the instant Affidavit. Through November 14, 2006, I have devoted 21.05 hours to acceptance of the Offer of Judgment and preparing the Motion for Attorney's Fees, Costs and Expense, Memorandum in Support of Motion for Attorney's Fees, Costs and Expenses and this Affidavit. My time records reflecting these hours are attached as {BK Clients\18322\001\PLD\00027387.DOC}

Exhibit B.

24. I am familiar with the billing rates of attorneys with my educational background and experience in civil rights litigation. My customary hourly fee in civil rights cases is \$350.00 per hour and is reasonable based on my educational background and experience. I am aware of the prevailing market rate in the Middle District of Tennessee for attorneys with my educational background and experience. My knowledge of the prevailing market rate in the Middle District of Tennessee comes from serving as co-counsel in a civil rights case in the Middle District of Tennessee and conversations with attorneys from Nashville and Cookeville who have successfully handled civil rights cases. Based on my own personal knowledge and communications with attorneys from the Middle District of Tennessee, I believe my customary hourly rate of \$350.00 per hour is reasonable and in line with the prevailing market rate for attorneys with my qualifications and experience. Further, awarding fees at my customary rate of \$350.00 per hour will serve to ensure that plaintiffs in civil rights cases are able to attract competent counsel to serve as private attorney generals for the protection of the civil rights of the citizens of the Middle District of Tennessee and furthers the purposes of 42 U.S.C. Section 1988.

25. In addition to the time expended in preparing this case, my office also incurred expenses in the amount of \$849.63. These expenses are documented through: 1) a copy of the client's expense ledger which is attached as Exhibit C; and 2) a copy of a properly executed Bill of Costs is attached as Exhibit D. I hereby affirm that these expenses are correct, were necessarily incurred in the prosecution of this action and that services for which the fees have been charged were actually and necessarily performed. The expenses listed herein are expenses that would normally be paid by a client with the ability to pay for the services of an attorney. However, the Plaintiff is unable to provide any financial contribution to the prosecution of his case and has not paid any litigation expenses.

{BK Clients\18322\001\PLD\00027387.DOC}

26. I am also familiar with the standards to be applied in the evaluation of applications for awards of attorney's fees as discussed in Blanchard v. Bergeron, 489 U.S. 87, 93 (1989), Johnson v. Georgia Highway Express, Inc., 488 F.2d 714, 717-719 (5th Cir. 1974), Hamlin v. Charter Township of Flint, 165 F.3d 426, 436 (6th Cir. 1999), and other cases, which may be used by this Honorable Court to make an upward or downward adjustment to the lodestar amount, to wit:

- a. The time and labor required;
- b. The novelty and difficulty of the questions involved;
- c. The skill required to perform the legal services properly;
- d. Preclusion of other employment by the attorney due to the acceptance of the case;
- e. The customary fee;
- f. Whether the fee is fixed or contingent;
- g. Time limitations imposed by the client or circumstances;
- h. The amount involved and the results obtained;
- i. The experience, reputation and ability of the attorneys;
- j. The undesirability of the case;
- k. The nature and length of the professional relation with the client; and
- l. Awards in similar cases.

27. Based on the factors set forth in above, I submit that this is a proper case for an upward enhancement of the lodestar amount based on the following:

In this case, the Plaintiff was seeking recovery of damages pursuant to 42 U.S.C. Section 1983 against individual officers, supervisory officers and the City of Crossville. As with all civil rights cases, proving that individual officers, supervisory officers and the municipality are liable for civil rights violations is extremely difficult because officers are protected by qualified immunity and claims against a municipality are only actionable if it can be proved that a policy, practice or custom of the municipality was the underlying cause of a plaintiff's injuries. Accordingly, attorneys asserting these claims must carefully plead their cases and perform extensive discovery to properly support each claim. Therefore, civil rights cases are extremely complex and require the devotion of considerable time and effort in order to handle them properly. Further, any attorney handling a civil rights case must do so with extreme skill given the various immunities that apply and the stringent proof requirements for proving municipal claims. Since being involved in this case, I have spent a

{BK Clients\18322\001\PLD\00027387.DOC}

considerable amount of my time preparing to develop the proof to properly prove all claims against the Defendants which has prevented me from devoting time to many of my other cases.

Further, Plaintiff's counsel accepted this matter on a straight contingency fee, bearing all the risks of non-recovery. As in all civil rights cases, there is a substantial risk of non-recovery given the respect that the public shows towards police officers and the fact that the plaintiffs are, in most instances, involved in some sort of criminal activity and, therefore, not the most desirable clients. This factor is compelling in the instant case because the Plaintiff was actively fleeing from police on a motorcycle and allegedly had drugs in his system. Further, the Plaintiff had significant prior run-ins with the law making him a less attractive client. After this incident, the Plaintiff was arrested for additional charges and would be in the state penitentiary serving a six year sentence on unrelated charges at the time of trial. Finally, if the Defendants' theory of the case that there was accidental contact between Officer Schubert's vehicle and Plaintiff's motorcycle were to be accepted by the jury, there would be no recovery because accidental contact would not amount to a constitutional violation. Based on these facts, it is clear that there was a substantial chance of non-recovery. It should be noted that at the time that I agreed to become involved in this case, the Plaintiff was already incarcerated at the state penitentiary on unrelated charges which would make the case extremely undesirable to the average attorney.

Finally, I believe that the results obtained by this litigation are outstanding. First, the Plaintiff will recover by judgment money to compensate him for his injuries and pain and suffering. In addition, this is not simply a settlement of a claim, but a judgment against the City of Crossville, Chief Beaty, Sgt. Green and Officer Schubert. As there is a judgment against these Defendants for violating the Plaintiff's civil rights, this should serve as an impetus for change at the Crossville Police Department. If the City of Crossville refuses to change the behavior of officers of the Crossville Police Department by policy and training, this judgment will serve to aid and assist any

{BK Clients\18322\001\PLD\00027387.DOC}

future victims of police misconduct by the Crossville Police Department in the prosecution of their claims. Therefore, this judgment should serve as a wake-up call to the Crossville Police Department to ensure that the constitutional rights of the citizens of the City of Crossville are honored and protected.

28. Based on the foregoing and my experience in handling police misconduct cases, I believe that this is an appropriate case to apply an upward enhancement to the lodestar amount. I am therefore requesting that this Honorable Court apply a two times multiplier to the lodestar amount based on the facts and circumstances set forth herein. Accordingly, I am requesting that this Honorable Court enter an Order awarding the Plaintiff attorney's fees for the work I have performed in obtaining a judgment against the Defendants in the amount of \$68,145.00 which is calculated as follows:

$$\begin{aligned} \$350 \text{ per hour} \times 97.35 \text{ hours} &= \$34,072.50 \\ &(\text{Lodestar Amount}) \end{aligned}$$

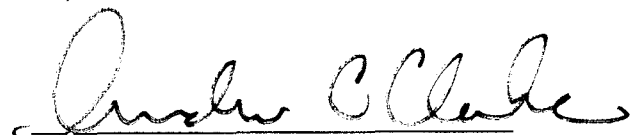
$$\begin{aligned} \$34,072.50 \times 2 &= \$68,145.00 \\ &(\text{Lodestar Amount Enhanced by a Multiplier of 2}) \end{aligned}$$

29. In addition, I am requesting that this Honorable Court enter an Order awarding costs and expenses of \$849.63.

30. Finally, I am requesting that this Honorable Court enter an Order awarding the Plaintiff attorney's fees for the prosecution of the instant fee petition in the amount of \$7,367.50 which is calculated as follows:

$$\$350 \text{ per hour} \times 21.05 \text{ (through 11/14/06)} = \$7,367.50$$

FURTHER AFFIANT SAYETH NAUGHT.

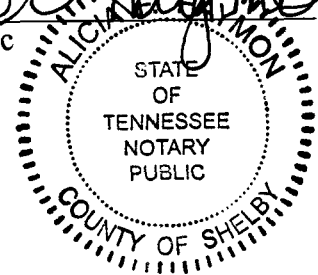

Andrew C. Clarke

Sworn to and subscribed before me, the undersigned authority, Andrew C. Clarke, who after being duly sworn, testifies that the foregoing is true and accurate to the best of his information and belief.

My Commission Expires:

10-13-09

Alicia Thompson
Notary Public



Exp. 10-13-09

Randolph, Jason

11/21/2006
18322-001C
558347

Civil Rights Case

07/21/2006 ACC	TELEPHONE CONFERENCE WITH STEPHEN BURROUGHS ABOUT POSSIBLE CIVIL RIGHTS CASE AGAINST CROSSVILLE AND OFFICERS; RESEARCH AND TRANSMISSION OF DOCUMENTS IN HARRIS v. COWETA COUNTY; REVIEW COMPLAINTS AND ANSWERS; ETC	1.75
07/24/2006 ACC	REVIEWED OF VIDEO TAPES; TELEPHONE CONFERENCE WITH GEOFFREY ALPERT; TELEPHONE CONFERENCE WITH GARY ROBINETTE; TELEPHONE CONFERENCE WITH STEPHEN BURROUGHS.	3.75
07/29/2006 ACC	TELEPHONE CONFERENCE WITH GEOFFREY ALPERT REGARDING THE REVIEW OF THE VIDEOTAPES OF PURSUIT	0.50
08/04/2006 ACC	TELEPHONE CONFERENCE WITH STEPHEN BURROUGHS; SUBMISSION OF SAMPLE REPORT OF PARTIES PLANNING MEETING; RULE 26(a) DISCLOSURES; TELEPHONE CONVERSATION WITH CLERK OF MIDDLE DISTRICT RE: ADMISSION; PREPARATION OF AFFIDAVIT PRO HAC VICE	1.75
08/07/2006 ACC	PREPARATION OF DISCOVERY REQUEST TO CROSSVILLE AND INDIVIDUAL DEFENDANTS; TELEPHONE CONVERSATION WITH ROBERT WATSON; TELEPHONE CONFERENCE WITH STEPHEN BURROUGHS AND PREPARATION OF PLAINTIFF'S RULE 26(a) DISCLOSURES AND REPORT OF THE PARTIES PLANNING MEETING	3.25
08/08/2006 ACC	TELEPHONE CONFERENCE WITH STEPHEN BURROUGHS AND REVIEW OF UPDATED RULE 26(a) DISCLOSURES AND REPORT OF THE PARTIES PLANNING MEETING; TELEPHONE CONVERSATION WITH ALLMAN, CLINT KELLY ND BILL LEADER REGARDING THE LOCAL RULES OF PRACTICE FOR THE MIDDLE DISTRICT; REVIEW OF LOCAL RULES OF PRACTICE;	1.50

Civil Rights Case

08/10/2006	ACC	TELEPHONE CONFERENCE WITH STEPHEN BURROUGHS RE: REPORT OF PARTIES PLANNING MEETING; TELEPHONE CONFERENCE WITH ROBERT WATSON RE: REPORT OF THE PARTIES PLANNING MEETING; REVIEW OF LOCAL RULES; REVIEW OF RULES OF ECHOLS/GRIFFIN; PREPARATION OF APPLICATION FOR ADMISSION; LETTER TO CLERK WITH APPLICATION FOR ADMISSION; TELEPHONE CONVERSATION WITH CLERK RE: APPLICATION FOR ADMISSION.	3.25
08/11/2006	ACC	REVIEW OF DEFENDANTS' PROPOSED CASE MANAGEMENT ORDER; E-MAIL TO ROBERT WATSON; E-MAIL TO STEPHEN BURROUGHS; TELEPHONE CONFERENCE WILL ALL COUNSEL RE: CASE MANAGEMENT ORDER; TELEPHONE CONFERENCE WITH STEPHEN BURROUGHS ABOUT MEETING ON 8/14/06 AND CRIMINAL RECORD OF CLIENT.	4.75
08/14/2006	ACC	TRAVEL TO NASHVILLE (3 HRS); CASE MANAGEMENT CONFERENCE AND ADMISSION TO MIDDLE SECTION (1.75 HRS); TRAVEL TO MEMPHIS (3 HRS)	7.75
08/16/2006	ACC	REVIEW OF DOCUMENTS IN HOWSER v. CROSSVILLE; TELEPHONE CONFERENCE WITH GARY ROBINETTE; SETTING UP ELECTRONIC FILING; FILING OF NOTICE OF APPEARANCE; E-MAIL DISCUSSIONS WITH STEPHEN BURROUGHS	4.25
08/17/2006	ACC	REVIEW OF CASE MANAGEMENT ORDER; ORDER AND NOTICE	0.25
08/18/2006	ACC	REVIEW OF COMPLAINT; RESEARCH OF STATE LAW SEIZURE; REVIEW OF VIDEOTAPE (NUMEROUS TIMES); CREATION OF VIDEOTAPES TRANSCRIPT; DRAFT OF AMENDED COMPLAINT	7.25
08/21/2006	ACC	FINAL PREPARATION OF AMENDED COMPLAINT; SENT TO WATSON/RADER	1.25
08/22/2006	ACC	TELEPHONE CONFERENCE WITH RADER; E-MAILS TO RADER/WATSON RE: CONSENT TO FILING OF AMENDED COMPLAINT; E-MAIL WITH STEPHEN BURROUGHS RE: FILING OF AMENDED COMPLAINT; FILING OF MOTION TO AMEND COMPLAINT.	1.00
08/23/2006	ACC	TELEPHONE CONFERENCE WITH STEPHEN BURROUGHS REGARDING MEETING CLIENT, AMENDED COMPLAINT AND DISCOVERY ISSUES;	1.25
08/24/2006	ACC	TELEPHONE CONFERENCE WITH STEPHEN BURROUGHS CONCERNING FEE AGREEMENT AND OFFER OF JUDGEMENT;	

Civil Rights Case

TELEPHONE CONFERENCE WITH VICKY RANDOLPH ABOUT CASE
AND SON; E-MAIL TO STEPHEN BURROUGHS AND VICKY
RANDOLPH ABOUT CASE AND OFFER OF JUDGEMENT 2.40

08/25/2006
ACC TELEPHONE CONFERENCE WITH VICKY RANDOLPH AND JASON
RANDOLPH; E-MAILS TO VICKY RANDOLPH; REVIEW OF CRIMINAL
RECORD OF CLIENT; REVIEW OF VIDEOTAPE 3.25

08/28/2006
ACC REVIEW OF E-MAILS FROM STEPHEN BURROUGHS REGARDING
CRIMINAL RECORD OF CLIENT; REVIEW OF TBI CRIMINAL HISTORY
RECORD OF CLIENT. 0.75

09/07/2006
ACC REVIEW OF E-MAILS AND E-MAILS TO STEPHEN BURROUGHS
CONCERNING DISCOVERY ISSUES 0.25

09/11/2006
ACC TELEPHONE CONFERENCE WITH DAN RADER RE: DISCOVERY
REQUEST; REVIEW OF AMENDED
COMPLAINT AND ANSWER TO AMENDED COMPLAINT AND
ANSWER TO AMENDED COMPLAINT BY GREEN & SCHUBERT 1.00

09/14/2006
ACC TELEPHONE CONFERENCE WITH DAN RADER'S OFFICE;
RESEARCH, PREPARATION, DRAFTING AND FILING OF PLAINTIFF'S
MOTION TO EXCEED NUMBER OF INTERROGATORIES 3.00

09/25/2006
ACC REVIEW OF LETTER FROM DAN RADER 0.10

10/02/2006
ACC REVIEW OF RULE 26(a) DISCLOSURES; ANSWER TO AMENDED
COMPLAINT BY CITY OF CROSSVILLE; NOTICE OF FILING;
RESPONSE TO MOTION TO SUBMIT OVER 25 INTERROGATORIES;
LETTER FROM OPPOSING COUNSEL. 2.75

10/05/2006
ACC LETTER TO DEFENDANTS' COUNSEL RE: PRODUCTION OF
DOCUMENTS CONTAINED IN RULE 26 DISCLOSURES AND
SCHEDULING THE DEPOSITION OF MR. RANDOLPH. 0.10

ACC EMAIL TO STEVEN BURROUGHS ABOUT CRIMINAL RECORD AND
DEPOSITIONS 0.10

ACC LEGAL RESEARCH RE: TAKING DEPOSITION OF CLIENT IN PRISON 0.50

10/06/2006
ACC REVIEWED E-MAIL FROM STEPHEN BURROUGHS REGARDING
CRIMINAL HISTORY OF CLIENT; REVIEWED CLIENT'S CRIMINAL
RECORD; RESPONDED TO E-MAIL FROM STEPHEN BURROUGHS 1.10

10/09/2006
ACC FILED AND PREPARED NOTICE OF CHANGE OF ADDRESS OF
ANDREW C. CLARKE 0.20

ACC TELEPHONE CONFERENCE WITH WTSP RE: DEPOSITION OF

Civil Rights Case

	CLIENT; E-MAIL TO DEFENDANTS COUNSEL REGARDING DEPOSITION AND DISCOVERY RESPONSES; MEETING WITH ALH RE: SCHEDULING MEETING WITH CLIENT.	1.20
10/10/2006 ACC	REVIEWED ORDER TO THE TRIAL COURT GRANTING MOTION FOR LEAVE TO FILE IN EXCESS OF 25 INTERROGATORIES; REVIEWED INTERROGATORIES BASED ON LANGUAGE OF ORDER	0.75
10/13/2006 ACC	RECEIVED AND REVIEWED NOTICE OF FILING OF DISCOVERY RESPONSES	0.20
10/16/2006 ACC	RECEIVED AND REVIEWED PRELIMINARILY RESPONSES OF GREEN AND SCHUBERT TO DISCOVERY	1.80
10/17/2006 ACC	RECEIVED AND REVIEWED PRELIMINARILY RESPONSES OF CROSSVILLE TO FIRST DISCOVERY REQUESTS AND TELEPHONE CONFERENCE WITH DAN RADER	2.00
10/18/2006 ACC	PREPARATION OF VIDEOTAPE OF PATROL CARS FOR USE ON COMPUTER FOR DEPOSITIONS AND FOR VIEWING AN INPUT BY ALL EMPLOYEES	1.25
10/23/2006 ACC	RECEIVED AND REVIEWED MOTION RE: DEPOSITION OF PLAINTIFF; DOCUMENTS PRODUCED IN DISCOVERY BY CITY OF CROSSVILLE; RECEIVED AND REVIEWED SUBPOENAS AND LETTERS RE: DEPOSITIONS OF MEDICAL CUSTODIANS AND WTSP; PREPARED LETTER TO DAN RADER CONCERNING DEPOSITIONS AND RECORDS REQUESTS.	3.20
10/24/2006 ACC	RECEIVED AND REVIEWED LETTER FROM RADER RE: DEPOSITIONS; CURSORY REVIEW OF CROSSVILLE DISCOVERY RESPONSES; TC WITH STEPHEN BURROUGHS	0.50
ACC	REVIEWED MEDICAL RECORDS FROM CUMBERLAND HOSPITAL, UT HOSPITAL, AIR EVAC; TOXICOLOGY TESTS PRODUCED BY DEFENDANTS; GENERAL ORDERS; CONTACTED MR. RADER'S OFFICE TO REQUEST COLOR COPIES OF THE ACCIDENT SCENE AND WEEKS 7 & 8 OF FIELD TRAINING DOCUMENTS; WILL MAKE FINAL REVIEW AND PREPARE REPORT OF ALL DOCUMENTS SET PRODUCED AND DISCOVERY RESPONSES.	6.20
10/25/2006 ACC	REVIEWED IN DETAIL ALL OF SCHUBERTS/GREEN DISCOVERY RESPONSES AND DOCUMENTS; TELEPHONE CALL TO WATSON; REVIEW OF MEDICAL RECORDS FOR CONSENT FORMS; DISCUSSION WITH ALH ABOUT SUBPOENAS FOR TBI; CCSD; PREPARATION OF DEPOSITION NOTES AND LIST OF DOCUMENTS TO REQUEST	9.25

Civil Rights Case

10/26/2006	ACC	REVIEWED ALL POLICIES OF THE CPD; TOOK EXTENSIVE NOTES; PREPARED AND ISSUED SUBPOENAS TO TBI, POST, TLETA, CCSD; DRAFTED LETTER TO RADER/WATSON RE: DEFICIENCIES IN DISCOVERY RESPONSES.	10.20	
10/27/2006	ACC	LETTER PURSUANT TO FRCP 37 RE: DISCOVERY RESPONSES; DEPOSITIONS DATES AND 10 CODES	0.80	
10/30/2006	ACC	TELEPHONE CALL WITH STEPHEN BURROUGHS; TC WITH DAN RADER'S OFFICE; REVIEW OF LETTER FROM DAN RADER	0.40	
10/31/2006	ACC	EMAILS DRAFTED AND READ BETWEEN ACC AND RADER REGARDING SCHEDULING DEPOSITION AND POSSIBLE RESOLUTION OF THE CASE	0.30	
	ACC	TELEPHONE CONFERENCE WITH STEPHEN BURROUGHS REGARDING OFFER OF JUDGMENT, SETTLEMENT AND CONVERSATIONS WITH RADER/WATSON.	0.30	
			97.35	34,072.50
				34,072.50
				<u>\$34,072.50</u>

BOROD & KRAMER, P.C.

Attorneys

Randolph, Jason

11/21/2006
18322-001C
558347

Civil Rights Case

11/01/2006	ACC	TELEPHONE CONFERENCE WITH BILL LEADER; ANDY ALLMAN; JAMES MONTGOMERY; CYNTHIA WILSON ABOUT OFFER OF JUDGMENT AND PETITIONS FOR ATTORNEY FEES; RESEARCH ON OFFERS OF JUDGMENT AND ATTORNEYS FEES; RESEARCH ON RECOVERY OF ATTORNEYS' FEES PURSUANT TO 1988.	4.40
11/02/2006	ACC	PREPARATION OF AFFIDAVIT IN SUPPORT OF ATTORNEY'S FEES; E-MAILS WITH SB REGARDING ACCEPTANCE OF OFFER OF JUDGMENT; LEGAL RESEARCH ON RECOVERY OF ATTORNEY'S FEES UNDER 42 USC SECTION 1988.	6.25
11/03/2006	ACC	REVIEWED DRAFT AFFIDAVIT; CHANGES TO AFFIDAVIT; TC WITH ANDY ALLMAN	1.25
11/06/2006	ACC	PREPARATION OF MOTION FOR ATTORNEYS FEES/COSTS; MEMORANDUM IN SUPPORT OF MOTION FOR ATTORNEY FEES; FINAL DRAFT OF AFFIDAVIT OF ANDREW C. CLARKE; TELEPHONE CONVERSATION WITH ANDY ALLMAN ABOUT FILING AN AFFIDAVIT IN SUPPORT OF MOTION FOR ATTORNEYS' FEE; E-MAILS TO ANDY ALLMAN; CYNTHIA WILSON AND BILL LEADER	4.80
11/07/2006	ACC	TELEPHONE CONFERENCES WITH ROBERT WATSON (3) ABOUT OFFER OF JUDGMENT AND SETTLEMENT; REVIEW AND CHANGES TO AFFIDAVIT, PETITION FOR ATTORNEYS FEES, MEMORANDUM IN SUPPORT OF PETITION FOR ATTORNEY FEES, NOTICE OF ACCEPTANCE OF OFFER OF JUDGMENT; PROOF OF SERVICE; FILING OF OFFER OF JUDGMENT AND REQUEST FOR ENTRY OF JUDGMENT; TELEPHONE CONFERENCE WITH DANYA FEINSTEIN; TELEPHONE CONFERENCES WITH STEPHEN BURROUGHS (3) RE: SETTLEMENT OFFER AND OFFER OF JUDGMENT; ATTEMPTS TO CONTACT CLIENT RE: OFFER.	2.40
11/08/2006	ACC	FINALIZED NOTICE OF ACCEPTANCE OF OFFER OF JUDGMENT;	

Civil Rights Case

PROOF OF SERVICE; NOTICE OF FILING OF OFFER OF JUDGMENT
AND FILING OF THE SAME; RESPONSE TO E-MAIL FROM ROBERT
WATSON

0.30

11/09/2006

ACC

REVIEWED ORDER ENTERING JUDGMENT

0.25

11/10/2006

ACC

REVIEWED AFFIDAVIT OF STEPHEN BURROUGHS AND MADE
SUGGESTIONS FOR CHANGES

0.50

11/14/2006

ACC

FINALIZED AFFIDAVIT OF ANDREW C. CLARKE FOR SUBMISSION
TO REVIEWING ATTORNEYS WITH DRAFT OF PETITION FOR
ATTORNEYS' FEES, MEMORANDUM IN SUPPORT OF PETITION FOR
ATTORNEY'S FEES; TIME SHEETS OF ACC AND STEVE
BURROUGHS; BILLS OF COSTS FOR ACC AND STEPHEN
BURROUGHS.

0.90

11/15/2006

ACC

LETTER TO DAN RADER/ROBERT WATSON RE: BILL OF COSTS;
E-MAIL TO DAN RADER/ROBERT WATSON ENCLOSING BILL OF
COSTS

0.20

21.257,437.50

7,437.50

\$7,437.50

JASON RANDOLPH
V.
SCHUBERT, GREEN, BEATY & CITY OF CROSSVILLE

EXPENSE SHEET

Date	Expense	Check #	Amount
8/4/04	BCB courier – pickup Certificate of Good Standing - (Roundtrip \$15.00 each way)		\$30.00
8/4/06	USDC Western Section – Certificate of Good Standing	18210	\$15.00
8/14/06	USDC Middle Section – Admission Fee	18231	\$200.00
9/12/06	Federal Express Fees	18309	\$16.40
11/7/06	TBI – copy charges	10937	\$4.20
11/14/06	Copy Charges through 11/14/06		\$555.75
11/14/06	Postage Charges through 11/14/06		\$28.28
		TOTAL	\$849.63

J. Randolph

CASE OR
FILE NO.

BALANCES FORWARDED

DATE	NAME	MEMO	TRUST FUNDS		COSTS		DATE BILLED	CK. REC. CASE NO.	F E E S		FEE BALANCE	TRUST BALANCE	ADJUSTED BALANCE
			RECEIVED	DISBURSED	RECOVERED	ADVANCED			RECEIVED	CHANGED			
8/14	Bob Cover					30.00	1						30.00
8/14	USDC - Admission fee MD-TN					200.00	2	18231					230.00
8/14	Fedex - August charges					16.40	3	18209					246.40
8/14	EDGET COURT - CERTIFICATE GOOD STANDING					15.00	4	18210					261.40
11/14	WILKINNESSEE RULETAU NV - COPIES					4.00	5	18337					265.40
11/14	COPIES 10/00 - 10/00					555.75	6						821.15
11/14	POSTAGE 10/00 - 10/00					28.28	7						849.43
							8						
							9						
							10						
							11						
							12						
							13						
							14						
							15						
							16						
							17						
							18						
							19						
							20						
							21						
							22						
							23						

SAFEGUARD FORM NO. C14

CLIENTS LEDGER

ORDERS FROM YOUR SAFEGUARD DISTRIBUTOR,
IF UNKNOWN, CALL 800-423-3422

UNITED STATES DISTRICT COURT

Middle

District of

Tennessee

Jason Russell Randolph

BILL OF COSTS

V.

Ronnie Dale Schubert, Gary Green Case Number: 2:06-0050

David E. Beaty, City of Consolidate with No.

Crossville, Tennessee 2:06-0058

Judgment having been entered in the above entitled action on 11/9/06 against All Defendants,

Date

the Clerk is requested to tax the following as costs:

Fees of the Clerk .. (Admission Fee of Andrew C. Clarke)	\$ 200.00
Fees for service of summons and subpoena	
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	
Fees and disbursements for printing	
Fees for witnesses (itemize on reverse side)	
Fees for exemplification and copies of papers necessarily obtained for use in the case	
Docket fees under 28 U.S.C. 1923	
Costs as shown on Mandate of Court of Appeals	
Compensation of court-appointed experts	
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	
Other costs (please itemize)	649.63
(documentation attached hereto)	
TOTAL	\$ 849.63

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with postage prepaid to: Robert Watson & Daniel Rader.

Signature of Attorney:

Andrew C. Clarke

Name of Attorney: Andrew C. Clarke

Costs to be presented to Clerk for taxation on (no sooner than 5 days from service): 11/27/06 at 12:00 a.m./p.m.

For: Jason Russell Randolph

Date: 11/15/06

Name of Claiming Party

Costs are taxed in the amount of _____ and included in the judgment.

By:

Clerk of Court

Deputy Clerk

Date

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)							
NAME AND RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
					TOTAL		

"Entry of the judgment shall not be delayed for the taxing of costs."

CERTIFICATE OF SERVICE

I, Andrew C. Clarke, do hereby certify that a true and correct copy of the Bill of Costs executed by Andrew C. Clarke and the Bill of Cost executed by Stephen A. Burroughs has been served upon the following persons by e-mail and placing the same in the U.S. Mail, postage prepaid:

Daniel H. Rader, III
P.O. Box 3347
Cookeville, Tennessee 38502

Robert H. Watson, Jr.
P.O. Box 131
Knoxville, Tennessee 37901-0131

Stephen A. Burroughs
1750 Riverview Tower
900 South Gay Street
Knoxville, Tennessee 37902

This the 15th day of November, 2006.



Andrew C. Clarke

JASON RANDOLPH
V.
SCHUBERT, GREEN, BEATY & CITY OF CROSSVILLE

EXPENSE SHEET

Date	Expense	Check #	Amount
8/4/04	BCB courier – pickup Certificate of Good Standing - (Roundtrip \$15.00 each way)		\$30.00
8/4/06	USDC Western Section – Certificate of Good Standing	18210	\$15.00
8/14/06	USDC Middle Section – Admission Fee	18231	\$200.00
9/12/06	Federal Express Fees	18309	\$16.40
11/7/06	TBI – copy charges	10937	\$4.20
11/14/06	Copy Charges through 11/14/06		\$555.75
11/14/06	Postage Charges through 11/14/06		\$28.28
		TOTAL	\$849.63

BAILEY, CLARKE & BENFIELD COURIERS
TELEPHONE: 680-9777

DATE: 8/4/06

CASE: RANDOLPH V. SCHUBERT DOCKET: _____

COURT: () CIRCUIT () CHANCERY () PROBATE () GENERAL SESSIONS
(X) FEDERAL

() PLEADING NAME: _____

() FILE ORIGINAL () RETURN _____ STAMPED FILED COPIES

() COMPLAINT CASE TYPE: () AUTO () WORKERS' COMP () PI
() MEDICAL MAL () OTHER: _____

JURY DEMANDED: YES NO NO. OF DEFENDANTS: _____

NO. DEFENDANTS LOCAL: _____ NO. DEFENDANTS O/T: _____

() FILE ORIGINAL AND _____ COPIES

() RETURN _____ STAMPED FILED COPIES

() CHECK FOR \$ _____ ATTACHED.

() OTHER CHECKS ATTACHED: _____

() SERVICE OF PROCESS () SHERIFF () COMMISS. OF INS.
() PRIVATE PROCESS () SEC. STATE

() MOTION NAME: _____

() FILE ORIGINAL () RETURN _____ STAMPED FILED COPIES

OPPOSING COUNSEL: _____

() SET MOTION: FRIDAY _____ AT 9:00 A.M.

() HAND-DELIVERY: _____

X OTHER: PICK UP CERTIFICATE OF GOOD
STANDING - \$15.00 - RETURN - \$15.00

Receipt:



Intake Clerk: chris	Receipt Number: M102840	Receipt Date: 08/04/2006
-------------------------------	-----------------------------------	------------------------------------

United States District Court

Western Division-Memphis
167 N. Main, Room 242
Memphis, TN 38103
(901) 495 - 1200

Western District of Tennessee

Eastern Division-Jackson
Room 262, 111 South Avenue
Jackson, TN 38301
(731) 421-9200

Received From:
BAILEY CLARKE

Cash:
Check: \$15.00
Credit:
Total Amount \$15.00
Total Amount Paid: \$15.00
Change: \$0.00

Check Number: 18210

Receipt Details

1 Certificate of Good Standing
ANDREW CLARKE

Amount Owed: \$15.00

Total Lines: 1

Total Amount: \$15.00

Bailey, Clarke & Benfield Attorneys at Law

18210

8/4/2006

Fet Court Clerk

15.00

Randolph

Certificate of Good Standing ACC

15.00

checking

USDC - 200.00/100
Randolph v Crossville
8/14/06

Invoice Number	Invoice Date	Account Number
8-396-80780	Sep 06, 2006	1508-5568-3

Dropped off: Aug 07, 2006

Cust. Ref. NO REFERENCE INFORMATION

Ref. #2

Payer: Shipper

Ref. #3

- Fuel Surcharge - FedEx has applied a fuel surcharge of 16.00% to this shipment.
- Distance Based Pricing, Zone 4
- Package Delivered to Recipient Address - Release Authorized

USAB	Sender	Recipient
Tracking ID 856799557296	M BENFIELD	J BENFIELD
Service Type FedEx Priority Overnight	BAILEY, CLARKE & BENFIELD	204 ALLEN SPRINGS RD
Package Type FedEx Envelope	6256 POPLAR AVE	HORSE SHOE NC 28742 US
Zone 04	MEMPHIS TN 38119-4713 US	
Packages 1		
Rated Weight N/A	Transportation Charge	17.90
Delivered Aug 08, 2006 16:30	Discount	-3.76
Svc Area PM	Residential Delivery	2.10
Signed By 9999999999999999	Fuel Surcharge	2.26
FedEx Use 022000306/0000208/02	Delivery Area Surcharge	2.10
	Total Charge	USD \$20.60

Dropped off: Aug 09, 2006

Cust. Ref. NO REFERENCE INFORMATION

Ref. #2

Payer: Shipper

Ref. #3

- Fuel Surcharge - FedEx has applied a fuel surcharge of 16.00% to this shipment.
- Distance Based Pricing, Zone 4
- Package sent from: 38118 zip code
- Shipment delivered to address other than recipient's.

Randolph

USAB	Sender	Recipient
Tracking ID 856799557491	ANDY CLARKE	STEPHEN BURROUGHS
Service Type FedEx Priority Overnight	BAILEY, CLARKE & BENFIELD	900 SOUTH GAY ST 1750 RIVERVIEW
Package Type FedEx Envelope	6256 POPLAR AVE	KNOXVILLE TN 37902 US
Zone 04	MEMPHIS TN 38119-4713 US	
Packages 1		
Rated Weight N/A	Transportation Charge	17.90
Delivered Aug 10, 2006 09:13	Fuel Surcharge	2.26
Svc Area A1	Discount	-3.76
Signed By M.HARDT		
FedEx Use 022120124/0000208/04	Total Charge	USD \$16.40

Dropped off: Aug 11, 2006

Cust. Ref. NO REFERENCE INFORMATION

Ref. #2

Payer: Shipper

Ref. #3

- Fuel Surcharge - FedEx has applied a fuel surcharge of 16.00% to this shipment.
- Distance Based Pricing, Zone 4
- FedEx has audited this shipment for correct packages, weight, and service. Any changes made are reflected in the invoice amount.
- Package Delivered to Recipient Address - Release Authorized

USAB	Sender	Recipient
Tracking ID 856799557300	ALICIA HAYMON	JOHN ROBERSON
Service Type FedEx Standard Overnight	BAILEY, CLARKE & BENFIELD	
Package Type FedEx Pak	6256 POPLAR AVE	246 OUTBACK RIDGE TRL
Zone 04	MEMPHIS TN 38119-4713 US	JASPER GA 30143 US
Packages 1		
Rated Weight 1.0 lbs, 0.5 kgs	Transportation Charge	22.80
Delivered Aug 14, 2006 13:07	Residential Delivery	2.10
Svc Area AM	Delivery Area Surcharge	2.10
Signed By 9999999999999999	Discount	-3.42
FedEx Use 022400413/0001327/02	Fuel Surcharge	3.10
	Total Charge	USD \$26.68

Shipper Subtotal USD \$131.25

PAID

CK. NO. 18309
DATE 9-12-06



PHIL BREDESEN
GOVERNOR

TENNESSEE BUREAU OF INVESTIGATION

901 R.S. Gass Boulevard
Nashville, Tennessee 37216-2639
(615) 744-4000
Facsimile (615) 744-4500
TDD (615) 744-4001



MARK GWYN
DIRECTOR

Prepared for: Andrew C. Clarke
Attorney at Law
Borod & Kramer, P.C.
80 Monroe Avenue, Suite G1
Memphis, Tennessee 38103

INVOICE:

For: 21 pages copied

Re: Jason Russell Randolph
TBI Lab case number: 051008990

21 pages @ .20 per page = \$4.20

Make check payable to: Tennessee Bureau of Investigation

10937
11/7/04



CHECK

DATE	DESCRIPTION	INVOICE #	AMOUNT	DEDUCTION	NET AMOUNT
11/07/06	648 Tennessee Bureau of Investigations lab case number 051008990		4.20		4.20

CHECK DATE 11/07/06	CONTROL NUMBER 10937	TOTALS ▶	Gross: 4.20	Ded: 0.00	Net: 4.20
------------------------	-------------------------	----------	-------------	-----------	-----------

JASON RANDOLPH
V.
SCHUBERT, GREEN, BEATY & CITY OF CROSSVILLE

COPY EXPENSES
@ .25 per copy

Date	Number of Copies	Cost
10/17/06	362	\$90.50
10/23/06	50	\$12.50
10/24/06	1,692	\$423.00
10/26/06	48	\$12.00
10/27/06	15	\$3.75
11/8/06	56	\$14.00
TOTAL	2,223	\$555.75

JASON RANDOLPH
V.
SCHUBERT, GREEN, BEATY & CITY OF CROSSVILLE

POSTAGE EXPENSES

Date		Cost
10/26/06	3 times \$0.87 & 4 times \$4.64	\$21.17
10/27/06	3 times \$0.39	\$1.17
11/3/06	3 times \$0.39	\$1.17
11/8/06	3 times \$1.59	\$4.77
TOTAL		\$28.28

7005 0390 0001 8982 2619

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.64	

10-26-06

Sent To
LETA
Street, Apt. No.,
or PO Box No. **3025 LEBANON ROAD**
City, State, ZIP+4
NASHVILLE TN 37214

PS Form 3800, June 2002 See Reverse for Instructions

7005 0390 0001 8982 2602

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.64	

10-26-06

Sent To
TBI
Street, Apt. No.,
or PO Box No. **901 R.S. GASS BLVD**
City, State, ZIP+4
NASHVILLE TN 37216

PS Form 3800, June 2002 See Reverse for Instructions

7005 0390 0001 8982 2626

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.64	

10-26-06

Sent To
Cumberland Co. Sheriff's Dept
Street, Apt. No.,
or PO Box No. **90 Justice Center Dr.**
City, State, ZIP+4
CROSSVILLE TN 38555

PS Form 3800, June 2002 See Reverse for Instructions

7005 0390 0001 8982 2596

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.64	

10-26-06

Sent To
STATE OF TN P.D.S.T. COMMISSION
Street, Apt. No.,
or PO Box No. **3025 LEBANON ROAD**
City, State, ZIP+4
NASHVILLE TN 37214

PS Form 3800, June 2002 See Reverse for Instructions

POSTAGE

DATE	CLIENT MATTER	QUANTITY	AMOUNT
10-20-06	TP	4	.39
10-20-06	PACIL	1	.39
10-20-06	TP	1	.39
10-23-06	CREAVES	1	.39
10-26-06	RANDOLPH	3	.87
	" "	4	4.64
	BROWN, TOYOTA	2	.39
10-27-06	RANDOLPH	3	.39
	HAMILTON, C	1	.39
10-30-06	TP	2	.39
10-31-06	SINN	2	2.55
10-31-06	HAMILTON, C	1	4.05
	ARCURI	1	.39
10-31-06	TP	18	.39
	Ch. / Ins	3	.39
11-1-06	Friedman	4	.39
11-2-06	TP	194	1.35
11-2-06	TP/Argentina	20	6.00
11-2-06	TP/Colombia	28	6.00
	TP/Russia	2	6.00
	TP/Chile	2	6.00
	TP/Italy	1	4.10
	TP/Canada	1	2.85
	TP/Mexico	1	5.15
	TP/Ireland	1	4.10
	ICA	1	.39
	TP	1	.28
11-3-06	RANDOLPH	3	.39
11-3-06	TP	33	.39
11-3-06	TP	1	6.00
11-3-06	BALON	2	.87
11-3-06	TP	12	.39
11-6-06	TP	506	1.35
	TP/Chile	13	6.00
	TP/Argentina	36	6.00
	TP/Colombia	35	6.00
	TP/Venezuela	2	6.00
	TP/Bolivia	2	6.00
	TP/Russia	1	6.00
	TP/Uruguay	2	6.00
	TP/New Zealand	2	4.25
	TP/Ecuador	1	6.00
11-6-06	RATCHFORD	2	.39

2.61
18.56

1.17

1.17

DATE	CLIENT MATTER	QUANTITY	AMOUNT
11-06	R.D. King	3	1.11
11-8-06	Jennifer Porter	1	5.00
11-8-06	Jennifer Porter	1	.39
11-8-06	BURKE	2	.39
	RANDOLPH	3	1.59
11-9-06	TP	124	1.35
	TP/Argentina	1	6.00
	TP/Colombia	123	6.00
	TP/C.C.A.	1	.39
11-10-06	TP/Canada	30	6.00
	TP/Canada	2	2.85
	TP/Russia	1	6.00
	TP/Venezuela	5	6.00
	TP/Australia	1	4.25
	TP/Hungary	1	6.00
	TP/France	1	4.10
	TP/Cativa	1	6.00
	Luxemburg	1	6.00
	New Mexico	1	6.00
	TP	39	.39
	TP	1	1.83
	TP	1	2.07
11-8-06	Harris	2	87
TOTAL: \$28.28			

4.77